

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND SYSTEMS FOR MEASURING LOCAL SCATTERING AND ABERRATION PROPERTIES OF OPTICAL MEDIA**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **March 27, 2001** as Application Serial No. **09/818,996**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

| PRIORITY APPLICATION(S) | | | Priority Claimed |
|-------------------------|-----------|----------------|---------------------|
| 60/192,173 | USA | March 27, 2000 | YES |
| (Number) | (Country) | (Date Filed) | Yes/No |
| (Number) | (Country) | (Date Filed) | Yes/No |

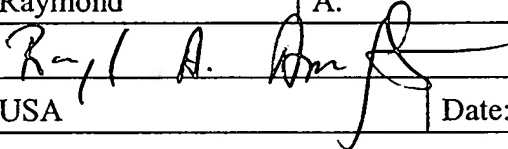
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56,

which become available between the filing date of the prior application and the national or PCT international filing date of this application: None.

| | | |
|--------------------------|---------------|----------|
| (Application Serial No.) | (Filing Date) | (Status) |
| (Application Serial No.) | (Filing Date) | (Status) |

I hereby direct that all correspondence and telephone calls be addressed to Michael C. Barrett, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

| | | | |
|--|---|-------|-----------|
| Inventor's Full Name: | Raymond | A. | Applegate |
| Inventor's Signature: |  | | |
| Country of Citizenship: | USA | Date: | 04/26/01 |
| Residence Address: (street, number, city, state, and/or country) | 3427 Hopecrest San Antonio, Texas 78230 | | |
| Post Office Address: (if different from above) | | | |

| | | | |
|--|--|-------|--------|
| Inventor's Full Name: | Larry | N. | Thibos |
| Inventor's Signature: | | | |
| Country of Citizenship: | USA | Date: | |
| Residence Address: (street, number, city, state, and/or country) | 1809 Windsor Drive Bloomington, Indiana 47401 | | |
| Post Office Address: (if different from above) | | | |

which become available between the filing date of the prior application and the national or PCT international filing date of this application: None.

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|--------------------------|---------------|----------|
| (Application Serial No.) | (Filing Date) | (Status) |
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| Post Office Address: (if different from above) | | | |

| | | | |
|---|--|---------------|--------|
| Inventor's Full Name: | Larry | N. | Thibos |
| Inventor's Signature: | <i>Larry N. Thibos</i> | | |
| Country of Citizenship: | USA | Date: 6-26-01 | |
| Residence Address: (street, number, city, state, and/or country) | 1809 Windsor Drive Bloomington, Indiana 47401 | | |
| Post Office Address: (if different from above) | | | |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raymond A. Applegate

Larry N. Thibos

Group Art Unit: 3737

Serial No.: 09/818,996

Examiner: Unknown

Filed: March 27, 2001

Atty. Dkt. No.: UTSK:357US/MCB

For: METHODS AND SYSTEMS FOR
MEASURING LOCAL SCATTERING
AND ABERRATION PROPERTIES OF
OPTICAL MEDIA

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: **ADVANCED RESEARCH AND TECHNOLOGY
INSTITUTE**

Address of Organization: **1100 Waterway Boulevard, Suite 100
Indianapolis, IN 46202-2156**

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR. § 1.9(d) or a

nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): Nos. R01-EY-05109 and/or R01-EY-08520 from the National Eye Institute.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

ADVANCED RESEARCH AND
TECHNOLOGY INSTITUTE

By: Judy M. Johncox
Name: Judy M. Johncox
Title: Vice President

Date: 7/16/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raymond A. Applegate

Larry N. Thibos

Serial No.: 09/818,996

Filed: March 27, 2001

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MEASURING LOCAL SCATTERING
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Group Art Unit: 3737

Examiner: Unknown

Atty. Dkt. No.: UTSK:357US/MCB

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION

Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: BOARD OF REGENTS, THE UNIVERSITY OF TEXAS
SYSTEM

Address of Organization: 201 West 7th Street
Austin, Texas 78701

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any

concern which would not qualify as a small business concern under 37 CFR. § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): Grant Nos. R01-EY-05109 and/or R01-EY-08520 from the National Eye Institute.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

BOARD OF REGENTS, THE UNIVERSITY
OF TEXAS SYSTEM

By: Cullen M. Godfrey
Name: Cullen M. Godfrey
Title: Vice Chancellor and General
Counsel

Date: July 10, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raymond A. Applegate

Larry M. Thibos

Group Art Unit: 3737

Serial No.: 09/818,996

Examiner: Unknown

Filed: March 27, 2001

Atty. Dkt. No.: UTSK:357US/MCB

For: METHODS AND SYSTEMS FOR
MEASURING LOCAL SCATTERING
AND ABERRATION PROPERTIES OF
OPTICAL MEDIA

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; David D. Bahler, Reg. No. 30,932; David L. Parker, Reg. No. 32,165; Richard J. Groos, Reg. No. 32,231; Stephen D. Dellett, Reg. No. 32,564; William G. Barber, Reg. No. 33,154; Michael S. Metteauer, Reg. No. 34,875; Mark B. Wilson, Reg. No. 37,259; Steven L. Highlander, Reg. No. 37,642; John J. Bruckner, Reg. No. 35,816; Erik R. Nordstrom, Reg. No. 39,792; Teresa J. Schultz, Reg. No. 40,526; Stephen P. Meleen, Reg. No. 40,724; Robert E. Hanson, Reg. No. 42,628; Michael C. Barrett, Reg. No. 44,523; Mark T. Garrett, Reg. No. 44,699; Gina N. Shishima, Reg. No. 45,104; and Matthew Bellinger, Reg. No. 46,547;

each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to ADVANCED RESEARCH AND TECHNOLOGY INSTITUTE, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Michael C. Barrett
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

ASSIGNEE:
ADVANCED RESEARCH AND
TECHNOLOGY INSTITUTE

By: Judy M. Johncox
Name: Judy M. Johncox
Title: Vice President
Date: 7/14/01

ASSIGNMENT:

☒ Concurrently filed
☐ Previously recorded
Date: _____
Reel: _____
Frames: _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raymond A. Applegate

Larry N. Thibos

Serial No.: 09/818,996

Filed: March 27, 2001

For: METHODS AND SYSTEMS FOR
MEASURING LOCAL SCATTERING
AND ABERRATION PROPERTIES OF
OPTICAL MEDIA

Group Art Unit: 3737

Examiner: Unknown

Atty. Dkt. No.: UTSK:357US/MCB

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

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each an attorney or agent of the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent,

and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Michael C. Barrett
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512/474-5201

ASSIGNEE:
BOARD OF REGENTS, THE UNIVERSITY
OF TEXAS SYSTEM

By: Cullen M. Godfrey
Name: Cullen M. Godfrey
Title: Vice Chancellor and General
Counsel

Date: July 10, 2001

ASSIGNMENT:

- ☒ Concurrently filed
☐ Previously recorded

Date: _____
Reel: _____
Frames: _____